

REMARKS

Claims 1-27 and 30-51 are in the application. Claims 28 and 29 have been canceled. Claims 26, 31 and 36 have been amended. No new matter has been added. Claims 1-25, 30, 32-35, 38 and 42-51 are withdrawn from consideration. Claims 26-29, 31, 36, 37, and 39-41 have been examined. No claim is allowed.

The specification has been amended to update the status of related applications.

Claims 26-29, 31, 36, 37 and 39-41 are rejected under 35 USC 103(a) as being unpatentable over Guinn et al ('648, "Guinn") in view of Graves et al ('067, "Graves"). This rejection is respectfully traversed and reconsideration is requested in view of the following. The examiner notes that the primary reference Guinn does not explicitly teach receiving enrollment data from a second player including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enabling the software agent to play at least one game via the proxy computer during the gaming tournament time; determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player. Applicants point out that Guinn also does not teach configuring a game playing behavior of the software agent to include configuring game playing behavior corresponding to categories of particular skill levels. Claim 26 has been amended to incorporate this feature, which is supported in the specification at page 40, lines 4-11, page 41, lines 22-24; page 59, lines 24-28, and original claims 28 and 29.

The examiner relies upon Graves to show features in the claims not taught by Guinn, including the features of former claims 28 and 29. The particular passages relied upon by the examiner are in Graves, 2:60 to 3:12 and 6:47-65. However, in those passages the gaming machine is taking its decision instructions for the player. Even if the machine learns how the player makes decisions (Graves 3:10-12) those decisions are derived by the player's past decisions. Therefore, there is no teaching either in Guinn or Graves of configuring game player behavior in the context of the other features of the invention into categories of predetermined skill levels that may be selected

by the actual player. These categories are exemplified in the specification herein, for example, on page 59, lines 24-25. The “High” skill level, for example, is not necessarily the actual skill level of any player or of any famous personality. But it is predetermined before the player even starts to play for the first time since it is configured into the machine. The machine needs no decision input as play progresses in the manner described by Graves.

Accordingly, it is submitted that it would have been unobvious to one of ordinary skill in the gaming machine art at the time the invention was made to provide a gaming system and method in accordance with the present claims.

The examiner is hereby advised that claim 39 has been retained as a generic claim, as well as the claims dependent thereon. If the application is deemed allowable exclusive of claims 39-41, these claims will be cancelled in order to pass the application to issuance.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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